

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

Lifeline and Link Up Reform and
Modernization

Lifeline and Link-Up

Federal-State Joint Board on Universal
Service

Advancing Broadband Availability Through
Digital Literacy Training

WC Docket No. 11-42

WC Docket No. 03-109

CC Docket No. 96-45

WC Docket No. 12-23

**PETITION FOR WAIVER
OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION
AND THE PEOPLE OF THE STATE OF CALIFORNIA**

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April 26, 2012

I. INTRODUCTION AND SUMMARY

In the Federal Communications Commission's (FCC or Commission) *Lifeline Reform Order*,¹ the FCC made fundamental reforms to the federal Lifeline program. Pursuant to Section 1.3 of the Commission's rules², the California Public Utilities Commission and the People of the State of California (CPUC or California) file this Petition for Waiver to request the following: (1) a waiver from Section 54.410(e) certification form requirements; (2) a twelve-month extension of time to comply with Section 54.410(f) re-certification requirements; (3) a seven-month extension of time to comply with Section 54.410(d) data collection requirements; and (4) a seven-month extension of time to comply with Section 54.410(d) and 54.410(g) temporary address requirements.

A. Request for a Waiver from Section 54.410(e) Requirements for Certification Forms

Section 54.410(e) requires state Lifeline administrators to provide to each eligible telecommunications carrier (ETCs) a copy of the certification forms that they collect from the carrier's subscribers. The CPUC requests that the FCC waive this requirement and allow the California's LifeLine Administrator to provide a copy of the certification forms (and any required documentation) only upon request by a carrier. The CPUC also

¹ *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*; WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23; (FCC 12-11); Report and Order; rel. February 6, 2012 (*Lifeline Reform Order*).

² 47 C.F.R. § 1.3.

requests that it be permitted to provide any enrollment data to Universal Service Administrative Company (USAC) in an electronic form instead of a paper form.

B. Request for a Twelve-Month Extension of Time to Comply with Section 54.410(f) Annual Re-certification Requirements

Under Section 54.410(f), eligible telecommunications carriers (ETCs) are required to re-certify their customers on an annual basis and allow only those customers that continue to meet the eligibility requirements to remain in the federal Lifeline program. As part of this new re-certification requirement, the FCC has required all ETCs (or state administrators, where applicable) to re-certify by the end of 2012 every subscriber who is enrolled in the Lifeline program as of June 1, 2012 (hereinafter referred to as the “2012 sweep”). Thereafter, ETCs (or state administrators, where applicable) are required to report the results of the re-certification to USAC by January 31, 2013.³ The CPUC requests an extension of time to complete “the 2012 sweep” and submit the results to USAC by the end of December of 2013. We also request that California's current re-certification process be considered as an acceptable alternative to “the 2012 sweep.”

C. Request for a Seven-Month Extension of Time to Comply with Section 54.410(d) Rules Regarding the Last Four Digits of the Social Security Number or the Tribal Identification Number and Date of Birth for Lifeline Eligibility

Section 54.410(d) requires ETCs and state administrators to collect the last four digits of the SSN or the Tribal Identification (ID) Number and DOB from each

³ *Lifeline Reform Order* at paras. 130-131.

prospective subscriber. The CPUC also requests a seven-month extension of time – until January 31, 2013 – to comply with these requirements.

D. Request for a Seven-Month Extension of Time to Comply with Section 54.410(d) and 54.410(g) Rules Regarding Temporary Addresses

Under Section 54.410(d), ETCs and state administrators are required to find out from the subscribers whether their address is temporary or permanent. If the address is temporary, under Section 54.410(g), ETCs and state administrators are required to re-certify the address every 90 days. The CPUC also requests a seven-month extension of time – until January 31, 2013 - to comply with these requirements.

II. DISCUSSION

A. Request for a Waiver from Section 54.410(e) Requirements for Certification Forms

Under Section 54.410(e) of the *Lifeline Reform Order*, “state administrators or other state agencies that are responsible for the initial determination of a subscriber’s eligibility for Lifeline must provide each ETC with a copy of each of the certification forms collected by the state Lifeline administrator or other state agency from that carrier’s subscriber.”⁴ The CPUC requests that the Commission waive this requirement.

The purpose of this requirement is to ensure that subscribers comply with the eligibility requirements in order to be enrolled in the Lifeline program.⁵ In California, a third-party administrator processes certification/application forms and makes determination as to whether subscribers meet the eligibility requirements. After the

⁴ 47 C.F.R. 54.410(e)

⁵ *LifeLine Reform Order* at para. 111.

determination is made, the administrator sends out a letter to the applicant informing him/her that the application has been approved or denied. On the same day that the letter is issued, the administrator sends an electronic data feed to the carrier with the approval or denial information. The administrator also keeps the information in the California LifeLine customer database. In addition to the data feed, carriers may request or access their customers' enrollment data from the third-party administrator at any time for any LifeLine program-related purposes.

Because the third-party administrator is in charge of -1) certifying, collecting and keeping the completed certifications forms; (2) notifying carriers of their applicants' eligibility status; and (3) providing carriers with access to the California LifeLine database for any Lifeline program related purposes - the CPUC requests a waiver from Section 54.410(e) requirement and requests that it be permitted to provide a copy of the certification forms (and any requested supporting documentation) only upon request by a carrier. The CPUC also requests that it be permitted to provide any enrollment data to USAC electronically.

B. Request for a Twelve-Month Extension of Time to Comply with Section 54.410(f) Annual Re-certification Requirements

Under the *Lifeline Reform Order*, all ETCs (or state administrators, where applicable) are required to re-certify, by the end of 2012, every subscriber who is enrolled in the Lifeline program as of June 1, 2012 and submit the results of the re-certifications to

USAC by January 31, 2013.⁶ The Commission states that this may be done on a rolling basis throughout the year, at the ETC's election.⁷ The purpose of this requirement is to verify the ongoing eligibility of the Lifeline subscribers to ensure that only those subscribers that continue to meet the eligibility requirements remain in the Lifeline program. The CPUC requests an extension of time – until December 31, 2013 - to comply with these requirements.

The CPUC recently hired a new third-party administrator for the California's LifeLine program. Currently, the CPUC and the new administrator are busy making system changes and working on all transition-related work. In order to ensure that the transition goes as seamlessly as possible, the new administrator has requested us to suspend any changes to the California LifeLine program - including the *LifeLine Reform Order* changes - until the transition is completed, which will be June, 2012.⁸

In addition, the CPUC requests permission to use our existing re-certification process that we have adopted as part of the California LifeLine Program. This will allow us to save money and time from having to implement an entirely new system just to perform "the 2012 sweep." The CPUC's re-certification process re-certifies every subscriber on an annual basis based on the date that the subscriber was approved for the California LifeLine Program. Subscribers are required to demonstrate their continued eligibility for the California LifeLine service by signing and returning a re-

⁶ *Id.*

⁷ *Id.*

⁸ The CPUC currently has over 1.6 million customers enrolled in the California LifeLine program. The new third-party administrator will be unable to make any changes to the California LifeLine customer database or its procedures until after the transition is completed.

certification/renewal form back to the third-party administrator consistent with the FCC's rules.

Furthermore, the CPUC's recertification process contains many of the elements adopted by the Commission for its re-certification requirements. The "one-per-household" rule is already in use in California and our definition is consistent with the FCC's definition. As part of the enrollment process, the third-party administrator in California checks each new applicant to determine if he/she is already receiving a discount with either the same or different service provider.

As to the new elements that the FCC recently adopted in the *LifeLine Reform Order*, - the last four digits of the SSN or Tribal ID Number and DOB - the CPUC plans to incorporate these elements into our re-certification process after we determine who will collect this data and make the necessary changes to the state administrator's and carriers' databases.⁹ The CPUC expects to resume the re-certification process, which will comply with the FCC's re-certification requirements, in January, 2013.¹⁰ The CPUC requests permission to use its existing renewal process, with the inclusion of the new elements adopted by the FCC in the *Lifeline Reform Order*, to re-certify California subscribers and submit a report to USAC by the end of December, 2013.

⁹ As discussed in this Petition, California is currently transitioning to a new third-party administrator. Once the transition is completed - June, 2012- the CPUC intends to modify its renewal (re-certification) process to incorporate all of the elements that are required by Section 54.410(f) - by January, 2013 - but not currently included in our renewal process.

¹⁰ Between June, 2012 through December, 2012, the CPUC continue with its existing renewal process while at the same time, working to modify the Lifeline forms and procedures to comply with the FCC's re-certification requirements.

C. Request for a Seven-Month Extension of Time to Comply with Section 54.410(d) Rules Regarding the Last Four Digits of the Social Security Number/Tribal ID Number and Date of Birth for Lifeline Eligibility

Section 54.410(d) requires ETCs and state Lifeline administrators that are responsible for the initial determination of a subscriber's eligibility for Lifeline to obtain the last four digits of the SSN or the subscriber's Tribal ID Number and DOB.

According to the *Lifeline Reform Order*, these requirements must be implemented by June 1, 2012.

The CPUC requests a seven-month extension of time – until the end of January, 2013 – to comply with these requirements. In California, the state LifeLine administrator and carriers share the responsibility of collecting data from subscribers. However, at this time, neither the LifeLine administrator nor the carriers collect the DOB, the last four-digits of the SSN or the Tribal ID Number from the subscribers. Therefore, the CPUC needs to do the following: (1) determine who should collect this data¹¹; (2) make the appropriate changes to the state administrator and carriers' customer databases; (3) educate customer representatives/employees; and (4) inform customers.

In addition, because we are currently transitioning to a new third party administrator, any changes to the California LifeLine Program procedures cannot effectively be done at this time. For these reasons, the CPUC requests a seven month extension of time.

¹¹ Some of the large carriers in California already collect the SSNs from subscribers for non-Lifeline related purposes – including billing and credit check.

D. Request for a Seven-Month Extension of Time to Comply with Section 54.410(d) and 54.410(g) Rules Regarding Temporary Addresses

Under Section 54.410(d), ETCs are required to ask an applicant whether his/her address is permanent or temporary when the applicant signs up for the Lifeline service. ETCs are required to comply with this requirement by June 1, 2012. In California, carriers collect applicants' residential addresses, but do not ask whether their address is permanent or temporary. Likewise, the CPUC's third-party administrator does not identify in the California LifeLine customer database whether a subscriber's address is permanent or temporary. Under Section 54.410(g), ETCs are also required to re-certify all subscribers that provide a temporary address every 90 days.¹²

The CPUC requests an additional seven months to comply with these requirements because the state administrator and carriers will need to modify customer database systems, train customer representatives and employees, develop notification materials, and inform customers. The CPUC will also need to develop a process and adopt new rules to determine who will be performing the re-certifications and what methods will be used.

III. CONCLUSION

In this Petition, the CPUC requests that the FCC: (1) waive Section 54.410(e) rule and allow the CPUC to provide a copy of the certification forms to ETC upon a request only and allow the CPUC to provide any enrollment data to USAC electronically; (2) a twelve month extension of time – until the end of December, 2013- to complete “the

¹² 47 C.F.R. §54.410(g).

2012 sweep” (as part of the CPUC’s established re-certification process), comply with Section 54.410(f) re-certification requirements, and submit the results of “the 2012 sweep” to USAC; (3) a seven month extension of time – until the end of January, 2013 - to comply with Section 54.410(d) data collection requirements regarding the last four digits of the SSN or the Tribal ID Number and DOB; and (4) a seven-month extension of time – until the end of January, 2013 - to comply with Section 54.410(d) and 54.410(g) requirements regarding temporary addresses.

Respectfully submitted,

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